

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TOKYO ELECTRON LIMITED,) Case No.: C 09-00502 PVT
Plaintiffs,)
v.)
SPANSION, INC.,)
Defendants.)

**ORDER FOR REASSIGNMENT TO A
DISTRICT COURT JUDGE**

On February 5, 2009, plaintiff Tokyo Electron Limited applied *ex parte* for a right to attach order pursuant to Rule 64 and California Code of Civil Procedure Sections 483.010, 485.010 and 485.219 and noticed a hearing for February 10, 2009. (“Tokyo Electron”). Plaintiff Tokyo Electron has consented to the jurisdiction of a U.S. Magistrate Judge. Defendant Spansion, Inc. has not appeared and therefore, has not yet consented. (“Spansion”).

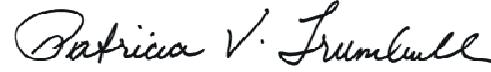
“[A] judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court, except a motion for injunctive relief” 28 U.S.C. § 636(b)(1)(A). “Upon consent of the parties, a full-time United States magistrate judge . . . may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves.” 28

1 U.S.C. § 636(c)(1).

2 In light of the nature of the relief sought by plaintiff Tokyo Electron and absent consent of
3 defendant Spansion, the court is without jurisdiction to proceed on the application. Accordingly, the
4 above-captioned action shall be reassigned to a district court judge.

5 IT IS SO ORDERED.

6 Dated: *February 5, 2009*



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8 PATRICIA V. TRUMBULL
United States Magistrate Judge

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